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REMARKS

Claims 1-20, all of which have been finally rejected, remain present in this application. For the reasons further set forth below, Applicants again submit that claims 1-20 are allowable.

In the present Office Action: the drawings were objected to as failing to comply with 37 C.F.R. §1.83(a) for failing to show a mounting ring; claims 1-2, 4, 6-8, 10-11, 13 and 15-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marshal Brass Part No. F21B34 (hereinafter F21B34) in view of Marshall Brass Part No. F26B44 (hereinafter F26B44); claims 3 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of F26B44 and in further view of U.S. Patent No. 3,376,053 (hereinafter Novakovich); claims 5 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of F26B44 and in further view of U.S. Patent No. 2,373,253 (hereinafter Martin); claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of F26B44 and in further view of U.S. Patent No. 5,305,785 (hereinafter Humber); claims 17, 18 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of F26B44 and in further view of Humber and in still further view of Novakovich; and claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of F26B44 and in further view of Humber and in still further view of Novakovich and in further view of Martin.

With respect to the drawings objections, Applicants have submitted herewith a new Fig. 8 that specifically shows a threaded nut 102A that includes an integrated mounting ring with a plurality of mounting holes 107. Applicants submit that Fig. 8 is fully supported by the specification as originally written. Applicants have also submitted herewith modifications to the specification that correspond to Fig. 8. No new matter has been entered.

At the outset, Applicants again note that Applicants' claimed fitting addresses the need for a fitting that can readily be fixed with respect to a support structure that also mitigates alignment problems, while at the same time providing a reliable leakproof connector between the fitting and associated connecting pipes.

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With respect to the rejection of claims 1-2, 4, 6-8, 10-11, 13 and 15-16 under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of F26B44, the Examiner alleges (at page 11) that "one of ordinary skill in the art would know that providing apertures in such a fitting [F21B34], as is done with the F26B44 fitting, would permit the fitting to be mounted to a support such as a wall. And doing so would not make the fitting inoperable." This statement misses the point. The nut of the F21B34 termination was designed to rotate to allow an installer to secure the termination to an external fitting. If the nut of the F21B34 termination is provided with apertures in its ears (as suggested by the Examiner) to allow the F21B34 termination to be mounted to a support, such as a wall, the F21B34 termination would be inoperable (i.e., the nut would no longer turn) as an installer could not rotate the nut to secure the termination to an external fitting. Further, rotating an external fitting to secure the F21B34 termination (modified in this manner) to the external fitting changes the principle of operation of the F21B34 termination. As such, Applicants again submit that the 35 U.S.C. §103(a) rejection based upon the combination of F21B34 and F26B44 is improper and should be withdrawn.

With reference again to MPEP §2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention when there is some teaching, suggestion or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Neither the F21B34 nor F26B44 drawings include, explicitly or implicitly, any teaching, suggestion or motivation to combine. Further, as is discussed above, the Examiner's rationale for the combination renders the F21B34 termination inoperable and changes its principle of operation. Applicants again submit that the Examiner's conclusion of obviousness is based on impermissible hindsight reasoning in that the rejection is based upon knowledge gleaned only from Applicants' disclosure and does not establish a level of ordinary skill in the art at the time the claimed invention was made.

Further, Applicants submit that claims 3, 5, 9, 12, 14 and 17-20 are dependent upon allowable claims and, at least, for this reason are also allowable. For the reasons set forth

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above, Applicants respectfully submit that the application is now in condition for allowance. No new matter has been entered with the changes to the specification and drawings.

CONCLUSION

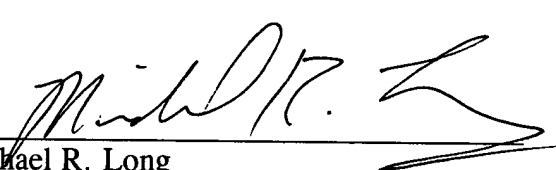
For all the foregoing reasons, Applicants respectfully submit that claims 1-20 are allowable. If the Examiner has any questions or comments with respect to this response, the Examiner is invited to contact the undersigned at (616) 949-9610.

Respectfully submitted,

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By: PRICE, HENEVELD, COOPER,
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